IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.32864-M of 2006
Date of Decision:- 26.07.2007

Ram Swarup Premi & ors. ....Petitioner(s)

through
Ms.Amandeep Kaur, Advocate for
Mr.Munish Bhardwaj, Advocate.

vs.

Sr.Superintendent of Police,
U.T., Chandigarh & ors. ....Respondent(s)

through
Mr.S.S.Duhan, Advocate for U.T.
Mr.Amandeep SinghManaise,
Advocate for respondents No.2 to 5.
Mr.K.S.Bhangu, Advocate for No.3.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

The prayer in this petition is for quashing of F.I.R.No.415 dated 20.10.2005 under Sections 406, 498-A IPC registered at Police Station, Sector 17, Chandigarh.

It is stated that during the pendency of this petition, petitioner No.1 has unfortunately expired. He was father-in-law of the complainant-respondent No.2. The surviving petitioner No.2, namely, Prem Sheela is mother-in-law of respondent No.3.

After issuance of notice of motion, vide order dated November 27, 2006 exemption from personal appearance was granted to both the petitioners after taking notice of their old age.

Since during the interregnum, the trial proceedings have proceeded further, it may not be desirable to interfere with the ongoing proceedings at this stage.

Consequently, this petition is disposed of with liberty to the petitioner No.2 (Prem Sheela) to raise all the contentions before the learned trial Court at an appropriate stage and the same shall be taken into consideration in accordance with law.

However, the interim order dated November 27, 2006 whereby petitioner No.2 was granted exemption from personal appearance, is made absolute subject to the conditions that:-(i) shes shall be represented through counsel; (ii) shall not delay/stall the trial proceedings; (iii) shall not dispute her identity as an accused; (iv) shall have no objection if the prosecution evidence is recorded in her absence but in the presence of her counsel; and (v) any other condition which the learned trial Court may impose

July 26, 2007 **(SURYA KANT)**
poonam **JUDGE**